

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 7, 13, 19, 25-26, 28, 30 and 32 are cancelled. Claims 1-6, 8-12, 14-18, 20-24, 27, 29 and 31 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, claims 1-3, 7-9, 13-15, 19, 27, 29, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hind (U.S. Patent No. 6,635,088) in view of Davison (U.S. Patent No. 6,304,601) and Porter (U.S. Patent No. 6,163,811). Claims 7, 13, and 19 are cancelled. Applicant submits that the remaining claims are patentably distinguishable over the cited references.

The Examiner contends that it would have been obvious to combine the method disclosed by Hind as indicated by Davison and Porter "such that the plurality of character strings are sorted in order of their appearance frequency". Hind, however, teaches away from such a combination. Hind describes a compression technique in which a given string is replaced with a shorter entity only when the number of occurrences of that string indicates that it is cost effective to do so. Hind describes that:

When this formula [testing whether the replacement cost is less than the cost of keeping the original string] evaluates to true, Block 475 has a positive response and control will transfer to Block 480 to complete the process of replacing this string by an entity. Otherwise, the replacement cost for using an entity is too high, so control transfers back to Block 465, skipping the replacement process for this string. (Emphasis added.)

(See col.11 ll.20-43). A person of ordinary skill in the relevant art at the time of the invention, upon reviewing the teaching of Hind, would not look to incorporate the sorting operation described by Davison into Hind's method because the

resulting method would substitute for every detected string, regardless of the number of occurrences of that string, and Hind teaches that the replacement cost for carrying out such substitutions is too high. It follows that it is improper to combine the Hind, Davison, and Porter references. MPEP § 2145. Therefore, the Examiner cannot rely on the asserted combination of the references in rejecting claims 1-3, 7-9, 13-15, 19, 27, 29, and 31, and each of these claims is patentably distinct and unobvious over the cited references.

Additionally, claim 3 calls for:

said scanning step detects that a particular one of the plurality of character strings is the function name when that character string immediately follows the term "function", the term "function" being a reserved word, and said scanning step detects that the particular one of the plurality of character strings is the variable name when that character string (i) is located between a left parenthesis and a right parenthesis that follow the function name and either precedes or follows a comma that is also located between the left parenthesis and the right parenthesis, (ii) is located on the left side of an equation, or (iii) immediately follows the term "var", the term "var" being a reserved word[;]

and claims 9 and 15 each call for similar limitations. Though Hind describes that tag attributes may be compressed, and Porter describes that arithmetic operators and relational operators may be compressed, neither Hind, Davison, nor Porter discloses or suggests the manner in which function names or variable names are detected. Therefore, even if the references were combined in the manner asserted by the Examiner, the asserted combination would not disclose or suggest the limitations set out in claims 3, 9, or 15.

The Examiner also rejected claims 5-6, 11-12, and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Hind in view of Davison and Porter as applied to claims 1, 8, and 14 in further in view of Bodin (U.S. Patent No. 6,311,223). For

the reasons described above, the teachings of Hind, Davison, Porter and Bodin may not be properly combined. Therefore, claims 5-6, 11-12 and 17-18 are patentably distinct and unobvious over the cited references.

Additionally, claims 4, 10, and 16 were rejected 35 U.S.C. § 103(a) as being unpatentable over Hind in view of Davison and Porter and further in view of the Examiner's Official Notice. However, the teachings of Hind, Davison and Porter may not be properly combined for the reasons described above.

Moreover, Applicant respectfully traverses the Examiner's assertion of Official Notice. Applicant submits that the Examiner has relied on impermissible hindsight taken from the present invention when asserting that the substituting set out in claims 4, 10, and 16 is well known in the art.

It follows that claims 4, 10, and 16 are patentably distinct and unobvious over the cited art.

The Examiner also rejected claims 20-21, 25, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Hind in view of Davison; rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Hind in view of Davison and further in view of the Examiner's Official Notice; and rejected claims 23-24 under 35 U.S.C. § 103(a) as being unpatentable over Hind in view of Davison and further in view of Bodin. Claim 25 is cancelled. Applicant submits that the remaining claims are patentably distinguishable over the cited art.

For the reasons set out above, Hind teaches away from modifying the teachings of Hind to incorporate those of Davison in the manner asserted by the Examiner. Additionally, claim 21 includes limitations similar to those set out above in claim 3 and is further distinguishable over the cited references for at least the same reasons. Moreover, claim 22 includes limitations similar to those set out above in claim 4 and is further

distinguishable over the cited art for at least the same reasons as those of claim 4.

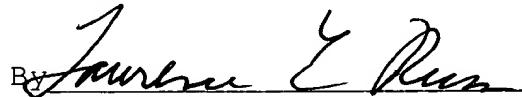
Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. § 103(a).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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